

Between 2000 and 2010, Oregon’s prison population increased nearly 50 percent, with a biennial corrections budget of \$1.4 billion in 2010. With technical assistance from the Pew Charitable Trusts (Pew), state leaders determined that the increased use of prison for less serious offenders and longer lengths of stay were driving the growth of the prison population. Oregon passed justice reinvestment legislation in July 2013 to slow this growth. This legislation removed mandatory minimums for repeat drug offenders, reduced sentences for certain crimes, strengthened reentry programming, and required risk and needs evaluations for probation decisions. These policies are expected to reduce the growth of Oregon’s prison population by 870 inmates, leading to savings of \$326 million in averted costs by 2023. Oregon allocated \$58 million in upfront investment for victims’ services, law enforcement training, community corrections, and the state’s justice reinvestment account.

## Impetus for Justice Reinvestment

Oregon’s incarceration rate grew four times that of the national average between 2000 and 2010. During this period, Oregon’s prison population increased by nearly 50 percent and grew to more than 14,000 inmates.<sup>1</sup> Oregon’s total biennial corrections budget in 2010 was over \$1.4 billion.<sup>2</sup> Further, according to a forecast conducted by the Oregon Office of Economic Analysis, the state’s prison population was projected to increase by 2,000 inmates between 2012 and 2022, which would have cost the state an additional \$600 million in corrections costs.<sup>3</sup> Increased funding to prisons had resulted in fewer dollars for community corrections and local public safety programs.<sup>4</sup> For example, the state’s 2009–2011 biennial budget saw a 20 percent decrease in funding used by Oregon counties to supervise probationers and individuals on post-prison supervision.

Oregon had attempted to address these issues in July 2011, when the governor organized the Commission on Public Safety. The commission was a bipartisan, interagency working group tasked with analyzing the state’s corrections and sentencing policies to understand how they affected the growth of the prison population. While the findings from this working group’s analyses did not lead to legislation, they paved the way for future discourse on criminal justice reform.<sup>5</sup> In May 2012, Oregon joined the Justice Reinvestment Initiative (JRI).

### HIGHLIGHTS

- Oregon’s prison population grew 50 percent between 2000 and 2010.
- JRI policies reduced mandatory minimums and sentences for certain crimes, strengthened reentry programs, and improved probation decisions.
- These policies are projected to reduce the growth of the prison population by 870 inmates by 2023.
- Oregon is projected to save up to \$326 million over 10 years.
- The state invested \$58 million for public safety improvements, such as law enforcement training.

## Establish Interbranch Bipartisan Working Group

After Oregon joined JRI, the governor reconvened the Commission of Public Safety and directed its members to address the current JRI efforts by developing evidence-based policy options that would limit the expanding use and cost of corrections while improving public safety. The commission consisted of bipartisan leaders in the three branches of state government, including the Oregon Supreme Court, the state legislature, and the Department of Corrections (DOC). The commission also included local criminal justice stakeholders, such as a sheriff, a director of a county community

justice agency, a district attorney, a circuit court judge, a criminal defense lawyer, and a community advocate. The commission received technical assistance from Pew.<sup>6</sup>

## Engage Stakeholders

After its first meeting in June 2012, the commission met 10 times through December of that year. To improve dissemination to and engagement of stakeholders across the state, the commission's meetings were held in three different cities (Bend, Salem, and Roseburg), were open to the public, and were archived online. The commission and Pew organized interviews with sheriffs, community corrections directors and DOC personnel, parole board members, and judges. They also organized two roundtables with victims' advocates and survivors in October 2012.<sup>7</sup>

## Analyze Data and Identify Drivers

Between June and December 2012, the commission, with assistance from Pew, analyzed corrections and sentencing data and assessed how related policies impacted Oregon's corrections system. After these data and policies were extensively reviewed, the commission was divided into two subgroups—sentencing and corrections—focused on developing targeted policies in those two areas. The subgroups met three times in the fall of 2012, and Pew interviewed stakeholders across the public and private spectrums, including victim advocates, law enforcement, judges, and members of the parole board.<sup>8</sup>

By December, the commission had identified key drivers of the state's growing corrections budget and populations. Oregon had increased its use of prison for less serious offenders, such as those convicted of property crimes and technical violations, as well as low-risk offenders. Moreover, offenders were staying in prison for longer periods as a result of sentence length increases for drug offenses, sex offenses, and technical violations.<sup>9</sup>

## Develop Policy Options

In December 2012, the commission developed several policy options that would affect the prison population by reducing sentences for marijuana offenses and driving while suspended; removing mandatory minimums and creating

sentencing ranges for certain property, robbery, assault, and sex abuse offenses; reducing time served by expanding transitional leave and earned time; enhancing alternatives to incarceration; and allowing all youth offenders sentenced as adults to be reviewed by a judge after they serve half of their sentence to determine eligibility for community placement.<sup>10</sup>

These policy options were bundled into three packages and presented to the legislature. The most comprehensive package included all the options and would have had the largest impact on the prison population; the other two included a subset of the policy options and would have had more limited effects on the prison population.<sup>11</sup>

## Codify and Document Changes

Thirteen of the 19 policy options proposed by the commission were codified into House Bill (HB) 3194, which passed in July 2013. This bill reserved prison for more serious offenders by removing mandatory minimums for repeat drug offenders and reducing sentences for marijuana offenses, driving while suspended, and certain property crimes. HB 3194 also strengthened reentry programming by expanding transitional leave for individuals returning from prison from 30 to 90 days and implementing earned discharge in community corrections. The bill required the use of risk and needs evaluations in making probation decisions. Figure 1 depicts the projected impact of these policies on Oregon's prison population.<sup>12</sup>

Oregon's prison population increased from 13,707 in 2006 to 14,234 in 2012.<sup>13</sup> The state had projected this increase to continue over the next decade, leading to a prison population of 16,509 inmates by 2023.<sup>14</sup> The JRI policies included in HB 3194 became effective upon passage of the legislation in July 2013 and are projected to reduce the growth of the prison population by 870 inmates.<sup>15</sup>

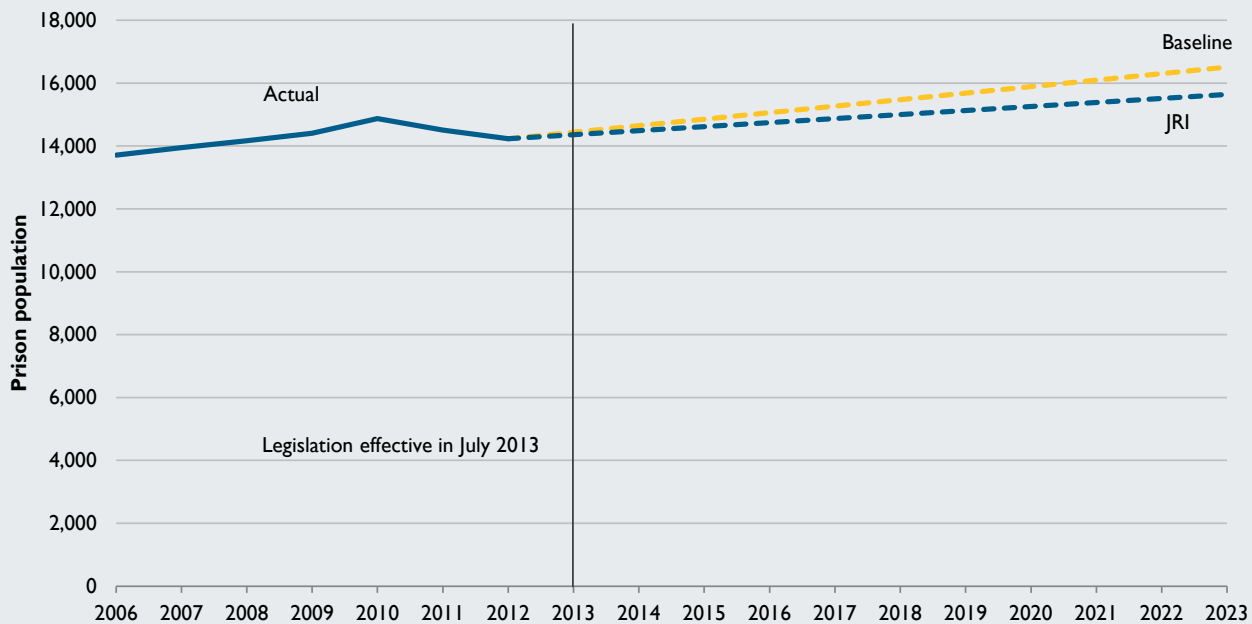
## Implement Policy Changes

Officials in Oregon are in the process of implementing the policy changes established in HB 3194. The state established and began funding the Justice Reinvestment Program and has created several workgroups and task forces to oversee the implementation of specific policies.<sup>16</sup>

# Oregon

**FIGURE I**

## Oregon Prison Population



Sources: JRI and baseline population projection data are from Oregon Office of Economic Analysis (2012). Actual population data are from Bureau of Justice Statistics' *Prisoner Series*.

Note: Dotted lines represent projections.

## Reinvest Savings

The Oregon Legislative Assembly invested \$58 million of averted corrections expenditures to support public safety programs recommended as part of the work from the commission. These programs include investments in victims' services, sheriff departments, law enforcement training, and community corrections, as well as the creation of a justice reinvestment account to fund county public safety programs that reduce recidivism and prison utilization.<sup>17</sup>

## Measure Outcomes

While it is too early to determine the full impact of HB 3194, the bill is projected to cut the estimated \$600 million increase in Oregon's corrections budget by \$326 million by reducing the growth of the prison population. These savings will continue to be reinvested into local community corrections departments, treatment programs, victims' services, and domestic violence protection services.<sup>18</sup>

## Notes

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3. Pew Charitable Trusts. 2013. "State Fact Sheet: Public Safety in Oregon." Last modified May 28. <http://www.pewstates.org/research/state-fact-sheets/public-safety-in-oregon-85899410540>.
4. Commission on Public Safety. 2012. Commission on Public Safety Report to the Governor. Salem, OR: Commission on Public Safety.
5. Ibid.
6. Pew Charitable Trusts (2013).
7. Commission on Public Safety (2012).
8. Ibid.
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11. Ibid.
12. Pew Charitable Trusts (2013); Oregon House Bill 3194, 2013.
13. Bureau of Justice Statistics. 2013. Prisoners Series. Washington, DC: Bureau of Justice Statistics.
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16. Vera Institute of Justice. "Assessment of Oregon for Participation in JRI Phase II." 2012.
17. Pew Charitable Trusts. Email message. September 27, 2013.
18. Pew Charitable Trusts (2013).

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